

**ENTERED**

September 09, 2016

David J. Bradley, Clerk

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION****WELLS FARGO BANK, N.A.,****Plaintiff,****VS.****JAMES G. PEIRCE, et al.,****Defendants.**§  
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§**CIVIL ACTION NO. 4:16-cv-98****ORDER ADOPTING REPORT AND RECOMMENDATION**

Pending before the Court are the Peirces' Motion to Remand (Doc. No. 7), the U.S. Small Business Administration's ("SBA") Motion to Dismiss the Original Third Party Petition (Doc. No. 8), the SBA's Motion to Dismiss the Amended Third Party Complaint (Doc. No. 17), the SBA's Motion to Dismiss the Second Amended Third Party Complaint (Doc. No. 26), and the Peirces' Motion to Refer the Case to Mediation (Doc. No. 28). These motions were referred to Magistrate Judge Dena Hanovice Palermo for a report and recommendation.

On August 12, 2016, Judge Palermo issued a Report and Recommendation on the above-listed motions. (Doc. No. 32). Judge Palermo recommended that 1) the SBA's Motion to Dismiss the Original Third Party Petition be denied as moot, 2) the SBA's Motion to Dismiss the Amended Third Party Complaint be denied as moot, 3) the SBA's Motion to Dismiss the Second Amended Third Party Complaint be granted, and 4) the Peirces' Motion to Remand be granted. Judge Palermo ordered that the Peirces' Motion to Refer the Case to Mediation be denied as moot. The time for filing objections has passed, and no objections were filed.

Pursuant to Federal Rule of Civil Procedure 72(b), the Court has reviewed the Report and Recommendation for clear error. Finding no clear error, the Court adopts the Report and Recommendation in its entirety. Accordingly, 1) the SBA's Motion to Dismiss the Original

Third Party Petition is **DENIED AS MOOT**, 2) the SBA's Motion to Dismiss the Amended Third Party Complaint is **DENIED AS MOOT**, 3) the SBA's Motion to Dismiss the Second Amended Third Party Complaint is **GRANTED**, 4) the Peirces' Motion to Remand is **GRANTED**, and 5) the Peirces' Motion to Refer the Case to Mediation is **DENIED AS MOOT**.

**IT IS SO ORDERED.**

**SIGNED** at Houston, Texas, on this the 7th day of September, 2016.

  
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KEITH P. ELLISON  
UNITED STATES DISTRICT JUDGE